

Exhibit W

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, et al.,

Plaintiffs,

v.

GREGORY W. ABBOTT, et al.,

Defendants.

Civ. Act. No. 5:21-cv-844 (XR)
(consolidated cases)

DECLARATION OF NANCY CROWTHER

My name is Nancy Crowther. I am over the age of 21 and fully competent to make this declaration.

Under penalty of perjury, I declare the following based on my personal knowledge:

1. I am a 65-year-old woman who currently lives in Travis County, Texas. I have been voting in person in Texas since I was in college around 1980, with the exception of the November 2020 general elections, when I unsuccessfully attempted to vote by mail because of health concerns related to the COVID-19 pandemic. I vote in almost every election and, due to the difficulties I face voting in person, I try to take advantage of early voting periods to avoid many of the access issues I have when I have to vote at my precinct polling center.
2. I am a member of REVUP-Texas and I routinely receive informational emails from the organization.
3. I am a person with a progressive neuromuscular disease that substantially limits my mobility and motor skills, making most physical activities difficult to perform without assistance. As my condition progresses, and I become weaker, I will need more assistance to do daily activities. Currently, my attendant helps transition and position me in my

customized electric wheelchair, helps me dress and bathe, assists me with shopping, cooking, cleaning, and other household chores, and helps me operate the durable medical equipment I use to maintain my health and independence. My attendant also escorts me to doctors' appointments, to volunteer at ADAPT, and to other activities I enjoy in the community. I have contractures in my hips and knees so my attendant will help transition me in the evening from my wheelchair to my bed, properly position me in my bed, and set up my C-PAP machine. In many essential ways, my life and independence depend on my attendant.

4. Although I have often had difficulty physically accessing polling places prior to SB1, I did not have the concern that my attendant may be exposed to any potential harm because of the help they provided me to vote, until SB1. My main concern now with voting in person is the risk of exposing my attendant to the oath under penalty of perjury and how the assistance I receive in voting as a person with disabilities could be misunderstood or misconstrued. Further, because of the changes to the oath assistants must sign, my attendants are reluctant to help me vote. They have told me they are fearful of the potential punitive actions they may accidentally incur should a poll worker or other election official misinterpret how they assist me as directing my vote or some kind of coercion.
5. Due to my weakening condition, my attendant must perform many physical tasks for me. When I vote in person, my attendant will escort me, open the doors to the polling place, assist me to present my photo ID and sign the register, help set up the adaptive voting equipment, and pick up items I may drop because of my general physical weakness. Usually, the adaptive voting equipment is not set up and the poll workers do not know how to set it up. The accessible keypad is attached to the voting machine with very strong Velcro

that I cannot remove myself. My attendant will help me remove the keypad from the Velcro if the poll worker is unavailable. It is also difficult for me to raise my arms and my attendant will assist me in positioning my arms when needed.

6. Because of the concerns I have with my attendant potentially being subject to punitive action because of the oath required by SB1, I have not had a personal attendant assist me to vote in person since the provision has been in effect. Before SB1, my attendant would almost always assist me when voting in person, but the new oath requirements have chilled my attendants' willingness to assist me in the voting booth.
7. I vote in almost all elections, including the March 2022 primary and November 2022 general elections. I usually vote during the early voting periods to avoid crowded polling centers which can make it more difficult for me to physically navigate the voting process.
8. In the May 2023 elections, I could not push the buttons on the adaptive voting machine hard enough for them to register my selections. I did not take an attendant with me into the voting booth because I knew they had concerns with the oath requirements of SB1 and I did not want to jeopardize my working relationship with them. Unfortunately, the poll worker was unable to help me enter my selections. While trying to assist me, the poll worker would audibly announce my selections and I felt that my right to vote privately was not honored. Further, it felt intimidating to have an election official announce my vote selections as they are individuals with expanded authority under SB1. After multiple attempts, I was able to complete my ballot and cast my vote, but it took a very long time and it was not private. I felt humiliated and my right to vote was intruded upon.
9. Although a reasonable accommodation may help ameliorate some of the difficulties I have when voting in person, the threshold problem is that I need assistance just to enter the

building and it is not possible to request an accommodation when you are not even able to enter the polling center without assistance. Again, my attendant is afraid of going with me due to the mere specter of the oath for assistors when voting in person. Poll workers cannot see me at the front door of my precinct polling center when I vote on election day, and I cannot enter the building without assistance. Sometimes, I have had to wait for another voter to open the door for me.

10. Absentee voting is not a solution for me. My one attempt to vote by mail was unsuccessful, and I am very concerned about the security of mail in my city, so I would have to bring it directly to the ballot drop box. I know of only one ballot drop box in Travis County and I have to take public transportation to get to this singular ballot drop box. When I attempted to vote by mail, it took me three hours to deliver my ballot to the drop box.
11. If I had to vote by mail due to my progressive disability or an attendant being unavailable or unwilling to assist me with in person voting, I would ask a friend to drive me to the single ballot drop box in Travis County. I would have to go with them to show my ID, as is required by SB1, and I would pay my friend for gas or any other costs they might incur for helping me vote. Because I have continued concerns about the security of the mail system in Austin, I would not feel comfortable submitting something as important to me as my ballot through the general mail. Because of the criminal penalties of SB 1, I cannot receive the assistance I need to deliver my ballot to the drop box. and therefore, voting by mail is not available to me.
12. I have never received any information from the State or County regarding my rights as a person with a disability under the ADA, including my right to request reasonable modifications or file grievances.

13. My right to vote is very important to me. As a person with a disability, I already face significant barriers to being able to cast my ballot and SBI has made it even harder to do so.

This Declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct. Executed on June 21, 2023 | 4:58 PM CDT, at Travis County, Texas.

DocuSigned by:

Nancy Crowther

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Nancy Crowther